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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,665

03/18/2004

Chin Wan Wu

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EXAMINER

MUROMOTO JR, ROBERT H

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,665

Applicant(s)

WU, CHIN WAN

Examiner

Robert H. Muromoto, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-6, and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 6 have been amended to require "completely isolated channels".

This limitation is confusing as all channels have already been recited as interconnected and adjacent. It is not clear how they can be "completely isolated" and still be "adjacent" and/or interconnected at the same time.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tubiolo (U.S. 1,843,527) in view of Bradley US patent 6,837,764.

3. Tubiolo discloses a swimming jacket 1 comprising an inner layer 3 and an outer layer 4. A plurality of expandable interconnected air channels are formed between the layers (Figure 3) by affixing the layers to one another at selected locations. A valve 8 is

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connected for selectively admitting air under pressure into the air channels and forming inflated regions in the jacket. The swim jacket 1 is broadly considered a wet suit.

With regard to claims 1, 6 and 9, the air channels are configured for forming a plurality of externally visible adjacent cells.

With regard to claims 4 and 8, the cells have non-inflatable regions where the layers are affixed to one another (Figure 3).

With regard to claim 5, the inflated region is the chest portion.

With regard to claim 6, the invention is disclosed above.

The channels in Tubiolo are well within the broadest reasonable interpretation of the recited "contiguous" limitation (Non patent literature is attached on the PTO-892 defining 'contiguous': sharing an edge or border).

Tubiolo does not show "completely isolated channels" as newly amended.

However, Bradly does teach a flotation device/vest that uses independent flotation cells in the device to provide the device with a safety factor, in that, when one cell fails the other cells maintain buoyancy because they are independent of each other.

Therefore it would have been obvious to one of ordinary skill in the art to modify a flotation garment to have isolated or independent flotation cells to provide the garment with a safeguard against loss of buoyancy due to individual cell failure.

4. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tubiolo (U.S. 1,843,527).

Tubiolo discloses the invention substantially as claimed above.

However, Tubiolo does not disclose that the cells are hexagonal in shape.

A review of applicant's specification does not provide any criticality (i.e., advantage) for why the cells are to be hexagonal in shape. The specification only states that the cells can be hexagonal or any other configuration limited only by the imagination of the manufacturer of the wetsuit.

Therefore, since there is no stated criticality or advantage for the cells to be hexagonal in shape, one of ordinary skill in the art would have been motivated to configure the cells to be hexagonal in shape in order to ensure strength and rigidity of the garment since there would be six seams within a small area.

With regard to claim 10, the invention is disclosed above.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Bobby Muromoto
/Bobby Muromoto/
Patent examiner (partial signatory authority)
Art unit 3765
October 25, 2007


GARY L. WELCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700